

**Harrington Park Board of Health
Minutes of Special Meeting
December 11, 2017**

Meeting Called to Order at 7:40p.m.

President Lipton's Announcement:

In compliance with Chapter 231, the Public Contract Law of 1975, adequate notice of this meeting was made. It is being conducted under the provisions of the Sunshine Act and has been properly noticed.

Roll Call

Mr. Scott Weiner ~ excused

Dr. John Hwang ~ excused

Mr. Robert Carbognin ~ excused

Dr. Howard Lipton

Mr. John Szweda

Mrs. Mary Oh Goldstein

Mr. Reynaldo Pella

Also present:

Louis Apa, Sanitarian; Annie Mongelia, Secretary; Councilwoman Laura Fitzgerald.

New Business: Re-codify Code Book, Borough of Harrington Park:

Second Reading, of an ordinance adopting revisions to the Board of Health Code of the Borough of Harrington Park, County of Bergen, State of New Jersey, Article IV, Adoption of 2017 Board of Health Code Revisions, SS 352-23 through 26.
(See Attachment A.)

This Second Reading of Ordinance SS 352 - 23 thru 26, according to the Sunshine Act, was made public knowledge on November 10, 2017 in The Record.

Board Discussion:

See Attachment B, which explains the reason for repeal of SS 358-27B.

In 2018 the Board will review the chicken permit ordinance and will:

- Define "disturbance",
- Specify jurisdiction for instances of "noise", and "cleanliness",
- Provide for a hearing prior to revoking a chicken permit.

Public Session: Open to the Public for comments:

No public present

Closed Session:

Second Vote by Board:

The Board approves Ordinance SS 352 - 23 thru 26, the proposed Article IV, Adoption of 2017 BOARD OF HEALTH CODE REVISIONS ORDINANCE for PART III OF THE CODE OF THE BOROUGH OF HARRINGTON PARK, NEW JERSEY, September 2017:

Motion to Adjourn made by Dr. Lipton at 8:10 p.m., seconded by Mary Oh Goldstein, with members present in favor to adjourn.

Attachment A:

PROPOSED BOARD OF HEALTH CODE REVISIONS ORDINANCE

for

PART III OF THE CODE OF THE BOROUGH OF HARRINGTON PARK, NEW JERSEY

September 2017

BOARD OF HEALTH
BOROUGH OF HARRINGTON PARK
COUNTY OF BERGEN, NEW JERSEY

BOARD OF HEALTH ORD. NO. 352-23 THROUGH 26

AN ORDINANCE ADOPTING REVISIONS TO THE BOARD OF HEALTH CODE OF THE BOROUGH OF HARRINGTON PARK, COUNTY OF BERGEN, STATE OF NEW JERSEY

Be it ordained and enacted by the Board of Health of the Borough of Harrington Park, County of Bergen, State of New Jersey, as follows:

ARTICLE IV

Adoption of 2017 Board of Health Code Revisions

§ 352-23. Continuation of existing provisions.

The provisions of the 2011 Code, insofar as they are substantively the same as those of ordinances in force immediately prior to the enactment and revision of the Code by this ordinance, are intended as a continuation of such ordinances and not as new enactments, and the effectiveness of such provisions shall date from the date of adoption of the prior ordinance. All such provisions are hereby continued in full force and effect and are hereby reaffirmed as to their adoption by the Board of Health of the Borough of Harrington Park, and it is the intention of said Board that each such provision contained within the Code is hereby reaffirmed as it appears in said Code.

§ 352-24. When effective.

This ordinance shall take effect immediately upon passage and publication according to law.

§ 352-25. Publication; filing.

The Secretary of the Board of Health or the Clerk of the Borough of Harrington Park, pursuant to law, shall cause this Adoption of Revisions Ordinance to be published, in the manner required, in a newspaper of general circulation in the Borough. Sufficient copies of the Code shall be maintained in the office of the Secretary or Clerk for inspection by the public at all times during regular office hours. The enactment and publication of this Adoption of Revisions Ordinance, coupled with availability of copies of the Code for inspection by the public, shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

§ 352-26. Changes in previously adopted ordinances.

- A. In compiling and preparing the 2011 Board of Health Code and subsequent ordinances as the 2017 Code of the Board of Health pursuant to N.J.S.A. 40:49-4, certain grammatical changes and other minor changes were made in one or more of said ordinances. It is the intention of the Board of Health that all such changes be adopted as part of the Code as if the ordinances so changed had been previously formally amended to read as such.
- B. Nomenclature. References to “State Department of Health and Senior Services” are changed to “Department of Health.”
- C. In addition, the changes, amendments or revisions as set forth below are effective upon the effective date of this ordinance.
 - (1) Chapter 358, Animals.
 - (a) Section 358-22.
 - [1] Subsection A is amended to delete the fee and instead state that such fee is provided in Chapter 373, Fees.
 - [2] Subsection C is amended to read: “The Board of Health will not issue, and may revoke, any permit for the keeping of live chickens in any place that shall be deemed a nuisance if it disturbs persons of reasonable sensitivity residing in the vicinity of the place where such live chickens are to be kept.”
 - (b) Section 358-27B, prohibiting chickens from being permitted to fly or run at large, is repealed.
 - (2) Chapter 373, Fees. Section 373-1 is amended to add Subsection C: “Chickens. The permit fee for the keeping of live chickens will be \$20.”

INTRODUCED BY BOARD OF HEALTH:

ADOPTED BY BOARD OF HEALTH:

Attest: BOROUGH OF HARRINGTON PARK

BY: _____
Annie Mongelia
Secretary, Board of Health

BY: _____
Dr. Howard Lipton
President, Board of Health

Attachment B:

Commentary Editorial Analysis:

Repeal of SS 352 - 27B, a duplicative provision, duplicative of SS352 - 25B.

- C. In § 358-22C we would like to confirm that the following wording is correct: "any place that shall be deemed a nuisance to disturb persons of reasonable sensitivity residing in the vicinity of the place where such live chickens are to be kept." Is something missing between "deemed a nuisance" and "to disturb persons"?

Decision:

- Revise as follows:
 Make no change

The Board of Health will not issue, and may revoke, any license for the keeping of live chickens in any place that shall be deemed a nuisance if it disturbs persons of reasonable sensitivity in the vicinity of the place where such live chickens are to be kept.

- D. Sections 358-25B and 358-27B contain essentially the same wording:

§ 358-25B: No live chickens shall be permitted to fly or run at large. Such action is deemed to be a nuisance and dangerous to the public health and safety.

§ 358-27B: No live chickens shall be permitted to fly or run at large. Such action is deemed to be a nuisance and dangerous to the health and safety of the public and subject to penalties.

Decision:

- Delete § 358-25B
 Delete § 358-27B
 Make no change